

**REGULAR MEETING MINUTES  
ZONING BOARD OF APPEALS  
WEDNESDAY, MAY 21, 2014**

**TOUR**

No tour was conducted.

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The Zoning Board of Appeals held a public hearing in Legislative Chamber, Room 314, Town Hall, 50 South Main Street, West Hartford, on Wednesday, May 21, 2014 at 7:00 P.M.

**PRESENT:** Chair: Grise; Commissioners: Foley, Neville, Sadinsky and Smilowitz  
Secretary to Zoning Board of Appeals: Brian Pudlik

**ABSENT:** Alternates Doyle and DiMatteo

**HEARING LEGALLY ADVERTISED ON:**  
Thursday, May 8, 2014  
Thursday, May 15, 2014

**DECISIONS FILED WITH THE CLERK AND HARTFORD COURANT:**  
Tuesday, May 27, 2014

**EFFECTIVE DATE:** Wednesday June 11, 2014.

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At the regular meeting of the Zoning Board of Appeals the following actions were taken:

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**#14-14**      **11 Huntington Drive** – Appeal of John Chen of an order issued by Zoning Enforcement Officer Brian Pudlik on March 28, 2014, which required that all the pigeons being kept on this property be removed on the basis that they are considered an agricultural poultry product and are therefore not permitted as an accessory use on the residential property.  
**R-13 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to uphold the order; second by Commissioner Foley. In reaching its decision, the Board found the following conditions to exist:

- 1.      The keeping of 90 pigeons, regardless of their use, is not an appropriate accessory use in a residential zone.**

**VOTE:      5-0                      Voting in favor were Commissioners: Foley, Grise, Neville, Sadinsky, Smilowitz  
   Opposed- 0**

**Order unanimously upheld.**

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**#15-14**      **87-89 Elmhurst Street** – Petition of A. Quiterio requesting a variance to Section 177-20, Obstructions in Yards. Requesting a variance to vertically expand an existing legal non-conforming one-story structure to be two stories with no change in the building footprint, per plans on file.  
**RM-3 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition; second by Commissioner Foley. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. Variance request does not include any change in footprint to the existing legal nonconforming structure.
3. Variance request is minor and will not adversely impact neighboring properties.
4. A permit must be obtained prior to any construction activity.

**VOTE: 5-0**                      **Voting in favor were Commissioners: Foley, Grise, Neville, Sadinsky, Smilowitz**  
**Opposed- 0**

**Petition unanimously approved.**

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**#16-14**                      **74 Westland Avenue** – Petition of S. and P. Fry requesting a variance to Section 177-20, Obstructions in Yards. Requesting a 1.6 percent or 33 square foot variance to the 25 percent coverage limitation of the required rear yard for the construction of a new two-car garage per plans on file.  
**R-10 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition; second by Commissioner Smilowitz. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. Variance will allow for a building which is in keeping with neighboring properties.
3. Variance request is minor and will not adversely impact neighboring properties.
4. A permit must be obtained prior to any construction activity.

**VOTE: 4-0**                      **Voting in favor were Commissioners: Grise, Neville, Sadinsky, Smilowitz**  
**Opposed- 0**  
**Commissioner Foley recused**

**Petition unanimously approved.**

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**#17-14**                      **21 Miles Standish Drive** – Petition of J. and K. Tardette, requesting a variance to Section 177-20, Obstructions in Yards. Requesting a 2.66 foot variance to the required 10 foot side yard setback for the construction of a new carport per plans on file.  
**R-10 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition; second by Commissioner Foley. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. Variance will allow for a structure which is consistent with that of neighboring properties.
3. Variance request is minor and will not adversely impact neighboring properties.
4. A permit must be obtained prior to any construction activity.

**VOTE: 5-0**                      **Voting in favor were Commissioners: Foley, Grise, Neville, Sadinsky, Smilowitz**  
**Opposed- 0**

**Petition unanimously approved.**

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**#18-14**                    **22 Montclair Drive** - Petition of E. Jones requesting a renewal of a Special Exception for a customary home occupation in order to operate a career counseling practice as an accessory use to the residence per Section 177-49 of the Zoning Ordinances for a period of three (3) years per plans on file.  
**R-6 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition. Second by Commissioner Sadinsky. The Board made its decision to grant the petition with the following conditions:

1.     **This permission is granted for a period of three (3) years. At that time you will be notified of the requirement to renew this permit. Failure to renew will render this approval void.**
2.     **The hours of operation shall be:**  
         **Monday-Friday: 10:00a.m.-5:00p.m.**  
         **Evenings: Monday – Thursday: 5p.m. – 8:30p.m.**  
         **Saturday: 10a.m. – 2p.m.**
3.     **The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.**
4.     **No signage.**
5.     **No employees.**
6.     **Client parking must be on the driveway, on site.**
7.     **Limited to 4 clients maximum per day; one client at a time separated by 30 minutes between clients.**

**VOTE: 5-0**                    **Voting in favor were Commissioners Foley, Grise, Neville, Sadinsky, Smilowitz**  
                                 **Opposed - 0**

**Petition Unanimously Approved.**

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**#19-14**                    **369 Fern Street** - Petition of M. Tyler requesting a renewal of a Special Exception for a customary home occupation in order to operate a tailoring service as an accessory use to the residence per Section 177-49 of the Zoning Ordinances for a period of five (5) years per plans on file.  
**R-6 ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition. Second by Commissioner Grise. The Board made its decision to grant the petition with the following conditions:

1.     **This permission is granted for a period of five (5) years. At that time you will be notified of the requirement to renew this permit. Failure to renew will render this approval void.**
2.     **The hours of operation shall be:**  
         **Monday – Friday                                    9:30 a.m.-4:00 p.m.**  
         **Saturday    9:00 a.m.-3:00 p.m.**  
         **Sunday    No hours of operation.**
3.     **The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.**
4.     **Clients must park motor vehicles on site.**

**VOTE: 5-0**                    **Voting in favor were Commissioners Foley, Grise, Neville, Sadinsky, Smilowitz**  
                                 **Opposed - 0**

**Petition Unanimously Approved.**

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**#20-14**                    **1009 New Britain Avenue** – Petition of L. Robert, d.b.a. Goodyear Asc., requesting a renewal of location approval to operate a dealer/repairer for a period of five (5) years, per plans on file.  
**BG Zone**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition. Second by Commissioner Grise. The Board made its decision to renew the petition with the following conditions:

1.        **This approval is granted for a period of (5) five years. At that time a renewal notification of requirements will be sent. Failure to renew will void the application approval.**
2.        **The hours of operation shall be:**  
          **Repairs**  
          **Monday-Friday: 7:00a.m. – 7:00p.m.**  
          **Saturday: 7:00a.m. – 5:00p.m.**  
          **Sunday: 9:00a.m. – 4:00p.m.**
3.        **The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.**
4.        **No discarded parts shall be kept outside the building.**
5.        **No junk vehicles shall be stored outside the building.**
6.        **Required fencing on property must be maintained at all times.**

**VOTE:    5-0                    Voting in favor were Commissioners Foley, Grise, Neville, Sadinsky, Smilowitz**  
   **Opposed - 0**

**Petition Unanimously Approved.**

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**#21-14**                    **566 New Park Avenue** – Petition of F. Mangual, requesting location approval to operate a used car dealer/repairer business, as a tenant of an existing business which also operates a dealer/repairer, for a period of one (1) year, per plans on file.  
**IG ZONE**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Foley made a motion to grant the petition; second by Commissioner Smilowitz.

1.        **This approval is granted for a period of one (1) year. At that time a renewal notification of requirements will be sent. Failure to renew will void the application approval.**
2.        **The hours of operation for repairs and sales shall be:**  
   **Monday-Saturday            8:00 am – 5:00 pm**
3.        **The premises shall be maintained in a manner satisfactory to the Zoning Board of Appeals and the Zoning Enforcement Officer.**
4.        **No junk vehicles shall be stored outside the building.**
5.        **No discarded parts shall be kept outside the building.**
6.        **Use of the property must be in conformance with the approved site plan on file**

**VOTE:    5-0                    Voting in favor were Commissioners Foley, Grise, Neville, Sadinsky, Smilowitz**  
   **Opposed - 0**

**Petition Unanimously Approved.**

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Commissioner Foley made a motion approve the minutes of May 21, 2014; second by Commissioner Smilowitz.  
VOTE: 5-0 Unanimously Approved.

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Commissioner Sadinsky made a motion to adjourn; second by Commissioner Foley. VOTE: 5-0. Unanimously  
Approved.

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Respectfully Submitted,

Brian Pudlik  
Secretary to the Zoning Board of Appeals

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